

House File 2094 - Reprinted

HOUSE FILE 2094
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 504)

(As Amended and Passed by the House February 27, 2014)

A BILL FOR

1 An Act relating to statute of repose periods for improvements
2 to real property involving residential and nonresidential
3 construction and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 11, Code 2014, is
2 amended to read as follows:

3 11. *Improvements to real property.*

4 a. Residential construction. In addition to limitations
5 contained elsewhere in this section, an action arising out of
6 the unsafe or defective condition of an improvement to ~~real~~
7 ~~property~~ residential construction based on tort and implied
8 warranty and for contribution and indemnity, and founded on
9 injury to property, real or personal, or injury to the person
10 or wrongful death, shall not be brought more than fifteen
11 years after the date on which occurred the act or omission of
12 the defendant alleged in the action to have been the cause of
13 the injury or death. However, this subsection does not bar
14 an action against a person solely in the person's capacity
15 as an owner, occupant, or operator of an improvement to real
16 property.

17 b. Nonresidential construction. In addition to limitations
18 contained elsewhere in this section, an action arising out
19 of the unsafe or defective condition of an improvement to
20 nonresidential construction based on tort and implied warranty
21 and for contribution and indemnity, and founded on injury to
22 property, real or personal, or injury to the person or wrongful
23 death, shall not be brought more than ten years after the date
24 on which occurred the act or omission of the defendant alleged
25 in the action to have been the cause of the injury or death.
26 However, this subsection does not bar an action against a
27 person solely in the person's capacity as an owner, occupant,
28 or operator of an improvement to real property.

29 Sec. 2. Section 614.13A, Code 2014, is amended to read as
30 follows:

31 **614.13A Definitions.**

32 As used in this chapter, unless the context otherwise
33 requires:

34 1. "book" "Book", "list", "record", or "schedule" kept by
35 a county auditor, assessor, treasurer, recorder, sheriff, or

1 other county officer means the county system as defined in
2 section 445.1.

3 2. "Nonresidential construction" means all other
4 construction that is not residential construction as defined in
5 subsection 3.

6 3. "Residential construction" means the same as defined in
7 section 572.1, subsection 10.

8 Sec. 3. APPLICABILITY. This Act does not apply to
9 residential and nonresidential construction projects in
10 existence prior to the effective date of this Act.